

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 98-148

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. The two sections of ch. NR 20 that precede subch. I should become subch. I and subchs. I to III should be subchs. II to IV.

b. In s. NR 20.03 (intro.), “For the purpose of this chapter, the following terms are defined:” should be replaced by “In this chapter:”.

c. In s. NR 20.03 (3), the quotation marks preceding “artificial lure” are reversed. Also, “thereof” should be replaced by “of those items.” [See s. 1.01 (9) (c), Manual.]

d. The definition of “dip net” in s. 20.03 (10) should not include additional substance. [See s. 1.01 (7) (b), Manual.] All definitions should be reviewed for this problem. [See, for example, s. NR 20.03 (25) and (26).] If the material is definitional rather than a substantive requirement, “that does not exceed” should replace “not to exceed.”

e. Does the publication described in s. NR 20.03 (43) have any substantive effect? If so, it should be promulgated as a rule.

f. In s. NR 20.03 (44), the second sentence is not properly part of the definition. Also, in the first sentence, “his or her” should replace “their.”

g. In all of the sections in subch. I of ch. NR 20, “do any of the following” should be inserted before the colon in the (intro.).

h. In s. NR 20.11 (3) and (4), the word “or” should not be capitalized and the underscoring and quotation marks should be deleted from “Leave unoccupied fishing shelters on the ice.” Also, “leave” should be shown in lower case.

i. The subsection numbers for the first nine subsections in s. NR 20.20 should be single digits. For example, “(1)” should replace “(01).”

j. In s. NR 20.30, “wherein,” should be deleted.

k. In s. NR 20.33 (1) (a) (intro.), “all of the following have occurred” should be inserted before the colon and all of the subsequent subdivisions should end with a period. A similar change is needed in several (intro.)’s in subch. III. In addition, several of the (intro.)’s in that subchapter end in periods rather than colons. They should all be reviewed for conformity with s. 1.03 (8), Manual. As another example, s. NR 20.35 (2) (intro.) should read: “The department shall follow the following procedures in applying an alternate size limit or bag limit under this section:”.

l. Since titles are not considered to be a part of the text of a rule, the titles to s. NR 20.38 (1) to (5) should be worked into the text. [See s. 1.05 (3) (a), Manual.]

m. In s. NR 20.39 (1) (intro.), second sentence, “Permits” should replace “Permit.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section NR 20.35 (3) (b) states that “(i)f the department finds under sub. (2) that one or more of the following conditions exist in a particular water, the corresponding alternate bag limit shall apply to the named species of fish in that water.” The “following conditions” have been omitted. What are those conditions?

b. Section NR 20.40 (5) (a) states that no person may sponsor fishing tournaments on the same body of water with starting dates separated by less than two weeks. Since the rule provides that the fishing portion of any tournament may not run for more than 10 consecutive hours each day or more than three consecutive days, it appears possible under the rule that the sponsor may have separate fishing tournaments on the same body of water with starting dates separated by two weeks or more and not operating on consecutive days, but which are still being conducted simultaneously. (For example, one tournament is conducted on July 11, 12, 25 and 26. The second tournament is conducted on July 25 and 26.) Is this the intent? Or is it intended that two tournaments not overlap on the same body of water? The rule should be clarified.

c. In s. NR 20.40 (9), a space is needed after the first “of.”

d. Section NR 20.40 (10) states that s. NR 20.40 sunsets after December 31, 1998. Since it seems unlikely that this rule can be promulgated by that date, the department should modify or delete sub. (10).

e. In s. NR 20.41 (2) (a), “the person” should replace “them.”